

NOTE: THIS IS A COURTESY COPY OF THIS RULE ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE AUGUST 15, 2016 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM

Notice of Readoption

Industrial Site Recovery Act Rules

Readoption with Technical Change: N.J.A.C. 7:26B

Authority: N.J.S.A. 13:1D-1 et seq., 13:1K-6 et seq., 58:10B-1 et seq., and 58:10-23.11 et seq.

Authorized By: Bob Martin, Commissioner, Department of Environmental Protection

Effective Date: July 22, 2016

New Expiration Date: July 22, 2023

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the Industrial Site Recovery Act Rules, N.J.A.C. 7:26B, are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on August 23, 2016. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted with the technical change described below because they are necessary, reasonable and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The Industrial Site Recovery Act Rules (the ISRA rules), N.J.A.C. 7:26B, implement the Industrial Site Recovery Act (the Act), N.J.S.A. 13:1K-6 et seq., and are intended to protect the public health and safety, and the environment by encouraging efficient and timely remediation of contaminated industrial establishments. Owners and operators are strictly liable to investigate

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and remediate contamination at the industrial establishment prior to transferring ownership or closing operations. These changes in ownership or operation include the sale of property, the sale of business, and the cessation of operations at the site, although the ISRA rules contain a number of exceptions, such as for some corporate reorganizations, transfers between or among immediate family owners, and transfers to heirs by devise or intestate succession. The rules also provide a de minimis quantity exemption that, under certain limited circumstances, will allow the cessation or operations or transfer of ownership without conducting a remediation. Until the necessary investigation and remediation, if any, are complete, the transfer of ownership or operations cannot take place.

The rules are readopted with a technical change at N.J.A.C. 7:26B-3.4(a)2 to correct a cross-reference. Existing N.J.A.C. 7:26B-3.4(a)2 relates to the submission of a Remediation Certification to the Department. The rule erroneously cites to N.J.A.C. 7:26B-3.2(c), which addresses withdrawal of a GIN. The correct reference is to N.J.A.C. 7:26B-3.3(c), which requires an owner or operator of an industrial establishment who wishes to transfer ownership or operations of the industrial establishment prior to completion of all applicable requirements of the Act and the ISRA rules to submit to the Department a completed Remediation Certification form.

Full text of the adopted technical change follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

7:26B-3.4 Remediation funding source requirements

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(a) The owner or operator shall establish and maintain a remediation funding source in accordance with N.J.A.C. 7:26C-5:

1. (No change.)
2. Upon the submittal of a remediation certification pursuant to N.J.A.C. 7:26B-[3.2(c)] **3.3(c)**;
or
3. (No change.)

Date: _____

Bob Martin, Commissioner
Department of Environmental Protection